

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-cv-249-FL**

MATTHEW BRADLEY,)	DECLARATION OF DAN BOOTH IN
)	SUPPORT OF DEFENDANT
Plaintiff,)	ANALYTICAL GRAMMAR, INC.'S
v.)	MOTION TO EXCLUDE
)	UNDISCLOSED EVIDENCE AND
ANALYTICAL GRAMMAR, INC.,)	ARGUMENT ON DAMAGES AND
)	PROFITS UNDER FED. R. CIV. P. 37(c)
Defendant.)	

Exhibit 6: Defendant Analytical's Rule 26(a)(1) Initial Disclosures

Civil Action No. 5:19-cv-249-FL

**ANALYTICAL GRAMMAR, INC.'S
INITIAL DISCLOSURE STATEMENT
UNDER FED. R. CIV. P. 26(a)(1)**

Defendant Analytical Grammar, Inc. (“AG”) hereby submits the following disclosures pursuant to Fed. R. Civ. P. 26(a)(1). AG expressly reserves the right to supplement or modify the information set forth below, as needed and as required by Rule 26(a)(1).

A. NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH INDIVIDUAL LIKELY TO HAVE DISCOVERABLE INFORMATION THAT AG MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES.

1. Matthew Bradley [address and telephone number unknown]

Subjects of information: Upon information and belief, Mr. Bradley has information concerning his allegations in his complaint, and the affirmative defenses and counterclaims raised in AG's answer thereto; the photograph at issue in his complaint; distribution of the photograph by Mr. Bradley, AG, and others; terms and conditions Mr. Bradley placed on the distribution of the photograph, if any; the viral distribution of the photograph as a meme, and Mr. Bradley's sanctioning thereof; changes made to the photograph or to his December 8, 2017 Facebook post of the photograph thereafter; his applications to register copyright for the photograph, the registrations issued thereupon, and their validity and enforceability; any copyright management information conveyed in connection with the photograph; any measures

taken by Mr. Bradley to market the photograph or to limit or monitor its distribution; any communications between himself and AG; and the identity of witnesses who may have further discoverable information regarding the same subjects.

2. Erin Karl

Subjects of information: Ms. Karl is AG's president. She has knowledge and information concerning the allegations in Mr. Bradley's complaint, and the affirmative defenses and counterclaims raised in AG's answer thereto. She may be contacted via AG's counsel, Dan Booth Law LLC, 60 Thoreau Street #121, Concord, MA 01742, 646-573-6596.

3. Melissa Kenney

Subjects of information: Ms. Kenney is AG's marketing manager. She has knowledge and information concerning the viral distribution of, and AG's use of, the photograph at issue in the complaint, affirmative defenses, and counterclaims. She may be contacted via AG's counsel, Dan Booth Law LLC, 60 Thoreau Street #121, Concord, MA 01742, 646-573-6596.

4. Gene Boecker [address and telephone number unknown]

Subjects of information: Mr. Boecker is a user of AG's Facebook page. Upon information and belief, he has knowledge and information concerning the viral distribution of, and AG's use of, the photograph at issue in the complaint, affirmative defenses, and counterclaims.

5. Richard Liebowitz

Subjects of information: Mr. Liebowitz is counsel for plaintiff Matthew Bradley. Upon information and belief, he has knowledge and information concerning Mr. Bradley's use of the photograph at issue in the complaint, affirmative defenses, and counterclaims; AG's use of the photograph; Mr. Bradley's applications to register copyright for the photograph; communications

between Mr. Bradley and AG; and the identity of witnesses who may have further discoverable information regarding the same subjects. His business address is Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, NY 11580, and his phone number is 516-233-1660.

6. Seth Hudson

Subjects of information: Mr. Hudson is counsel for plaintiff Matthew Bradley. Upon information and belief, he has knowledge and information concerning Mr. Bradley's use of the photograph at issue in the complaint, affirmative defenses, and counterclaims; AG's use of the photograph; communications between Mr. Bradley and AG; and the identity of witnesses who may have further discoverable information regarding the same subjects. His business address is Clements Bernard Walker PLLC, 4500 Cameron Valley Parkway, Charlotte, NC 28211, and his phone number is 704-790-3600.

7. Witnesses listed by Plaintiff in his Initial Disclosure Statement.

AG reserves the right to call any witness not listed above but identified through discovery or investigation during this action.

B. COPY AND/OR DESCRIPTION BY CATEGORY OF ALL DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS IN AG'S POSSESSION, CUSTODY, OR CONTROL THAT AG MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES.

Based upon information reasonably available to AG at this time, AG may rely upon the following categories of documents, data compilations, and things to support its defenses or counterclaims in this case, which are located at 7615 Vista Del Rey Lane, Raleigh, NC 27613. AG reserves the right to supplement this disclosure.

1. AG's Facebook page and electronic records of posts and comments thereon.
2. Mr. Bradley's Facebook page and electronic records of posts and comments thereon.

3. Correspondence between Mr. Bradley and AG or their representatives.
4. Documents, tangible things, and electronic records pertaining to AG's Facebook page.
5. Electronic records of Mr. Bradley's photograph on Facebook and other websites.
6. Electronic records of other photographs of levels.
7. Documents and materials filed by the parties in this action.
8. Documents and materials listed by Plaintiff in his Initial Disclosure Statement.

C. COMPUTATION OF DAMAGES.

AG has not made any demand for damages to date. AG reserves the right to supplement this disclosure in a timely fashion.

D. INSURANCE AGREEMENTS.

AG is not aware of the existence of any insurance agreement relevant to this case. AG reserves the right to supplement this disclosure in a timely fashion.

/s/ Dan Booth

Dan Booth (special appearance entered)
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/s/ Christopher M. Thomas

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*Local Civil Rule 83.1(d) Attorneys for
Defendant Analytical Grammar, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Analytical Grammar, Inc.'s Initial Disclosure Statement Pursuant to Fed. R. Civ. P. 26(a)(1) was served via email, pursuant to a prior agreement between the parties, upon the parties' counsel Seth Hudson at shudson@worldpatents.com and Richard Liebowitz at rl@liebowitzlawfirm.com on this October 23, 2019.

/s/ Dan Booth
